

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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JUN 05 2009

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)

)

Complainant,)

v.)

PCB NO. 08-89

)

GELCO MANAGEMENT &)

DEVELOPERS, LLC, an Illinois Limited)

liability corporation,)

)

Respondent.)

ANSWER TO COMPLAINT

COUNT I

VIOLATIONS OF THE NATIONAL EMISSIONS STANDARDS FOR ASBESTOS

Now comes the Respondent, GELCO MANAGEMENT & DEVELOPERS, LLC, by and through their attorney, JOSHUA M. BRADLEY, ATTORNEY AT LAW, and for their Answer to Count I - Violations of the National Emissions Standards for Asbestos of Complainant's Complaint, states as follows:

1. Respondent admits the allegations contained in Paragraph 1 of Count I of the Complaint.
2. Respondent admits the allegations contained in Paragraph 2 of Count I of the Complaint.
3. Respondent admits the allegations contained in Paragraph 3 of Count I of the Complaint.
4. Respondent admits the allegations contained in Paragraph 4 of Count I of the Complaint.

5. Respondent admits the allegations contained in Paragraph 5 of Count I of the Complaint.

6. Respondent admits the allegations contained in Paragraph 6 of Count I of the Complaint.

7. Respondent admits the allegations contained in Paragraph 7 of Count I of the Complaint.

8. Respondent admits the allegations contained in Paragraph 8 of Count I of the Complaint.

9. Respondent admits the allegations contained in Paragraph 9 of Count I of the Complaint.

10. Respondent admits the allegations contained in Paragraph 10 of Count I of the Complaint.

11. Respondent admits the allegations contained in Paragraph 11 of Count I of the Complaint.

12. Respondent admits the allegations contained in Paragraph 12 of Count I of the Complaint.

13. Respondent denies the allegations contained in Paragraph 13 of Count I of the Complaint.

14. Respondent neither admits nor denies the allegations contained in Paragraph 14 of Count I of the Complaint.

15. Respondent neither admits nor denies the allegations contained in Paragraph 15 of Count I of the Complaint.

[sic] 15. Respondent neither admits nor denies the allegations contained in Paragraph 15 of Count I of the Complaint.

16. Respondent neither admits nor denies the allegations contained in Paragraph 16 of Count I of the Complaint.

17. Respondent neither admits nor denies the allegations contained in Paragraph 17 of Count I of the Complaint.

WHEREFORE, having fully answered Count I - Violations of the National Emissions Standards for Asbestos contained in Complainant's Complaint, Respondent respectfully requests that this Court dismiss Count I of the Complaint in its entirety and for any and all further relief that this Court deems necessary and just.

COUNT II

AIR POLLUTION VIOLATIONS

Now comes the Respondent, GELCO MANAGEMENT & DEVELOPERS, LLC, by and through their attorney, JOSHUA M. BRADLEY, ATTORNEY AT LAW, and for their Answer to Count II - Air Pollution Violations of Complainant's Complaint, states as follows:

1-17. Respondent repeats and realleges his answers to the Paragraphs 1 through 17 of Count I as Paragraphs 1 through 17 of Count II as though fully set forth herein.

18. Respondent admits the allegations contained in Paragraph 18 of Count II of the Complaint.

19. Respondent admits the allegations contained in Paragraph 19 of Count II of the Complaint.

20. Respondent admits the allegations contained in Paragraph 20 of Count II of the

Complaint.

21. Respondent denies the allegations contained in Paragraph 20 of Count II of the Complaint.

WHEREFORE, having fully answered Count II - Air Pollution Violations contained in Complainant's Complaint, Respondent respectfully requests that this Court dismiss Count II of the Complaint in its entirety and for any and all further relief that this Court deems necessary and just.

COUNT III

NONPAYMENT OF STATUTORILY REQUIRED FEES

Now comes the Respondent, GELCO MANAGEMENT & DEVELOPERS, LLC, by and through their attorney, JOSHUA M. BRADLEY, ATTORNEY AT LAW, and for their Answer to Count III - Nonpayment of Statutorily Required Fees of Complainant's Complaint, states as follows:

1-17. Respondent repeats and realleges his answers to the Paragraphs 1 through 17 of Count I as Paragraphs 1 through 17 of Count III as though fully set forth herein.

[sic] 20. Respondent admits the allegations contained in Paragraph 20 of Count III of the Complaint.

[sic] 18. Respondent denies the allegations contained in Paragraph 18 of Count III of the Complaint.

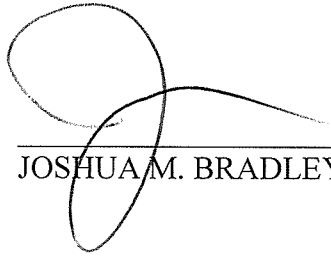
[sic] 19. Respondent denies the allegations contained in Paragraph 19 of Count III of the Complaint.

WHEREFORE, having fully answered Count III - Nonpayment of Statutorily Required

Fees contained in Complainant's Complaint, Respondent respectfully requests that this Court dismiss Count III of the Complaint in its entirety and for any and all further relief that this Court deems necessary and just.

Respectfully Submitted,

By:



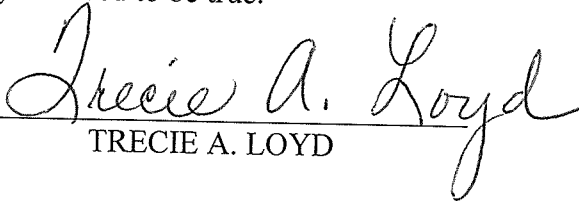
JOSHUA M. BRADLEY

JOSHUA M. BRADLEY
Attorney for Defendant
1010 W. DeYoung
P.O. Box 57
Marion, IL 62959
(618)997-6534

VERIFICATION BY CERTIFICATION

(Under Sec. 1-109, I.C.C.P.)

I, THE UNDERSIGNED, DO HEREBY CERTIFY under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure that I have read and understand the contents of the foregoing document and that all of the statements, matters and things therein set forth are true and correct in substance and matter of fact except as to matters therein stated, if any, to be upon information and belief, and as to such matters the undersigned certifies as aforesaid that the same are verily believed to be true.


TRECIE A. LOYD

PROOF OF SERVICE

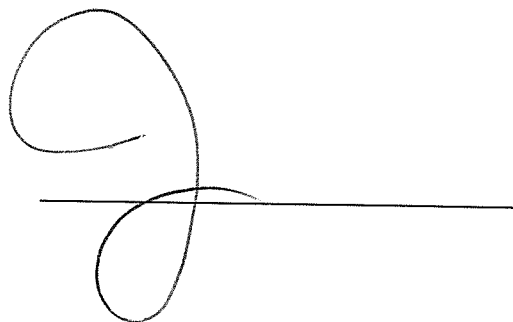
The undersigned certifies that a copy of the foregoing instrument was served upon the following attorneys of record:

Thomas Davis
Chief Environmental Bureau
Assistant Attorney General
500 South Second Street
Springfield, IL 62706

Stephen J. Janasie
Assistant Attorney General
500 South Second Street
Springfield, IL 62706

by enclosing the same in an envelope addressed to such attorneys at their business address as disclosed by the pleadings of record herein, with postage fully prepaid and by depositing said envelope in a U.S. Post Office mail box in Marion, Illinois, on the 1st day of

June, 2009.

A large, stylized handwritten signature, possibly reading "J. Janasie", is written over a horizontal line.



JOSHUA M. BRADLEY
ATTORNEY AT LAW

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JUN 05 2009

STATE OF ILLINOIS
Pollution Control Board

June 1, 2009

John T. Therriault
Assistant Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center, Suite 11-500
100 W. Randolph
Chicago, IL 60601

Re: People v. Gelco Mgmt. & Developers, LLC
PCB No. 08-89

Dear Clerk:

Enclosed please find an original and one copy of an Answer to Complaint to be filed on behalf of the Respondent in the above-captioned matter. Please file the original, file stamp the copy and return the file-stamped copy to my office in the enclosed self-addressed, postage paid envelope.

If you have any questions, please do not hesitate to contact me.

Yours Truly,

By:

Joshua M. Bradley

JMB/pb

Enclosures

cc: Stephen J. Janasie
Gelco Management